

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
DEUTSCHE BANK NATIONAL TRUST
COMPANY, solely in its capacity as Trustee
for the MORGAN STANLEY
STRUCTURED TRUST I 2007-1,
:

Plaintiff,
:

- against -
:

MORGAN STANLEY MORTGAGE
CAPITAL HOLDINGS LLC, as Successor-
by-Merger to MORGAN STANLEY
MORTGAGE CAPITAL INC.,
:

Defendant.
:
:
----- X

No. 14 Civ. 3020 (LTS)

ORAL ARGUMENT
REQUESTED

**NOTICE OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56(c)**

PLEASE TAKE NOTICE that upon the accompanying Defendant's Memorandum of Law in Support of its Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56(c), Defendant's Statement of Undisputed Material Facts Pursuant to Local Rule 56.1, the annexed Declaration of Brian S. Weinstein and the exhibits thereto, and all the pleadings and proceedings herein, Defendant Morgan Stanley Mortgage Capital Holdings LLC ("Morgan Stanley"), by and through its undersigned counsel, hereby moves this Court before the Honorable Laura Taylor Swain, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 12D, New York, New York, 10007, for an order, pursuant to Federal Rules of Civil Procedure 56, granting summary judgment in favor of Morgan Stanley and against Plaintiff on all claims asserted

against Morgan Stanley in the Complaint, and dismissing Plaintiff's Complaint. Defendant respectfully requests oral argument on this motion.

Pursuant to Rule 2.b of the Court's Individual Practices, prior to making this motion, counsel for defendant made best efforts to resolve informally the matters raised in this motion by discussing them with plaintiff's counsel telephonically and by electronic mail.

Dated: New York, New York
May 8, 2017

DAVIS POLK & WARDWELL LLP

By: /s/ Brian S. Weinstein

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